

REMARKS

Claims 73-88 are pending in the present application. Claims 73, 81 and 86 have been amended. Claims 1-72 are canceled. In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration, a withdrawal of all rejections and issuance of a Notice of Allowability.

The Office objects to Claims 70, 72-73, 81 and 86 because it is unclear if "each" having multiple distinct medicament dose portions or pockets is referring to the dispenser or the carriers. Applicants have amended Claims 73, 81 and 86 to recite "each medicament carrier" and accordingly, it is believed that such objection is now moot.

Claims 70-71, 73-79 and 83 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 01/97886 to Davies et al. ("Davies '886") in view of WO 01/17595 ("Brathwaite") and further in view of WO 01/68169 A1 to Hickey et al. ("Hickey"). Applicants respectfully traverse each and every aspect of this rejection.

Claim 73 (and thus claims dependent therefrom) is patentable for at least the reason that the prior art fails to disclose a medicament dispenser comprising a cover

"...movable from an at rest position, in which the cover covers the outlet, to a primed position and then an actuated position to uncover the outlet, and couples to the dispensing mechanism such that: movement of said cover from the primed position to the actuated position actuates one or more components of the dispensing mechanism, and movement of said cover from the at rest position to the primed position does not actuate said one or more components of the dispensing mechanism"

Davies '886 does not lead a person of ordinary skill in the art to the invention. The embodiment set forth at figures 1a and 1b of Davies does not disclose, in particular, a cover coupled to the dispensing mechanism such that movement of the cover from the primed position to the actuated position

actuates one or more components of the dispensing mechanism, but movement of the cover from the at rest position to the primed position does not actuate said one or more components of the dispensing mechanism. In more detail, it is not possible to move the cover (30) of the Davies device over any part of its range of movement without also moving the one or more components of the dispensing mechanism. More specifically at page 10, line 2 of Davies '886, that

"...the inner part of the cover 30 is provided with a metering recess 34."

Assuming that the Examiner is correct in that metering recess 34 forms a dose mover, and as such, comprises the part of the dispensing mechanism which is actuated as the cover moves from the closed position (figure 1a) to the actuated position (figure 1b), nonetheless, Applicants respectfully point out that it is virtually impossible to move the cover without also moving said dose mover as the dose mover (recess 34) is an integral part of the cover 30. In contrast with the claimed invention, movement of the cover of Davies '886 from the at rest position to the primed position, does actuate said one or more components of the dispensing mechanism.

Braithwaite and Hickey do not address the deficiencies of Davies '886. Braithwaite discloses a delivery device with a rotatable metering member adapted to dispense a measured amount of material, a material delivery package and a material delivery orifice, and at least one actuator member adapted to move the metering member from a material returning position to a material dispensing position. Hickey discloses a multi-drug dose package with piezoelectric polymer substrate with flexes to deform and provide mechanical¹ oscillation in a selected region of the package corresponding to the dry powder drug which is dispersed during inhalation by the user.

In view of the above, a withdrawal of the obviousness rejection over Davies '886 in view of Braithwaite and Hickey is respectfully solicited.

Claims 72, 80-82 and 86-88 are rejected over Davies '886 in view of Braithwaite and Hickey and further in view of U.S. Patent No. 5,860,419 to Davies et al. ("Davies '419")¹.

¹ The Action recited 5,60,419, however Applicants believe that 5,860,419 was intended and will proceed accordingly

For the reasons stated above, Davies '866, Braithwaite and Hickey do not render the claims in question obvious. Davies '419 does not teach or suggest features of Claims 80-82 by virtue of their dependency from Claim 73, namely a medicament dispenser comprising a cover

"...movable from an at rest position, in which the cover covers the outlet, to a primed position and then an actuated position to uncover the outlet, and couples to the dispensing mechanism such that: movement of said cover from the primed position to the actuated position actuates one or more components of the dispensing mechanism, and movement of said cover from the at rest position to the primed position does not actuate said one or more components of the dispensing mechanism"

Moreover, with respect to Claims 86 and Claims 87-88 dependent therefrom, these references do not teach or suggest the recited features, namely a medicament dispenser comprising a cover

"...movable from an at rest position, in which the cover covers the outlet, to a primed position and then an actuated position to uncover the outlet, and movement of the movable cover is coupled to the index wheels and lid take-up spindles by gearing that is arranged such that movement of the cover from the at rest position to the primed position does not result in any rotation of the index wheels and lid take-up spindles, but further movement of the cover to the actuated position results in sufficient rotation of the index wheels and lid take-up spindles to advance each medicament carrier by one pocket distance."

Applicants respectfully traverse the Office's argument in regard of claim 86, set forth at the second paragraph of page 8 of the action. The embodiment set forth at figures 1a and 1b of Davies '866) does not disclose, in particular, a cover coupled to the dispensing mechanism such that movement of the cover from the primed position to the actuated position actuates one or more components of the dispensing mechanism, but movement of the cover from the at rest position to the primed position does not actuate one or more components of the dispensing mechanism.

In more detail, it is not possible to move the cover (30) of the Davies '866 device over any part of its range of movement without also moving one or

more components of the dispensing mechanism. Turning to the published document, Davies '866 recites, at page 10, line 2, that

"...the inner part of the cover 30 is provided with a metering recess 34."

For the same reasons set forth above, Applicants respectfully point out that the arrangement of Davies '866 teaches an arrangement in which it is not possible to move the cover without also moving said dose mover i.e. movement of the cover from the at rest position to the primed position, does actuate said one or more components of the dispensing mechanism, and would therefore actuate the index wheels and lid take-up spindles of the dispensing mechanism imported from Davies '419 according to the examiner's construction.

Hence the combination of Davies '866 in view of Braithwaite and further view of Hickey and further in view of Davies '419 fails to disclose all the features of claim 86 and, by their dependence, remaining claim 87 and claim 88.

As none of the prior art provide teaching, suggestion or motivation to modify the prior art to provide the claimed invention of claim 86, applicant respectfully asserts that the claims 86 through claim 88 are inventive over the prior art.

The points of the Office Action being addressed in full, a Notice of Allowability is respectfully solicited.

Respectfully submitted,

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